



भारत का राजपत्र

The Gazette of India

प्रतापारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49] नई दिल्ली, बुधवार, नवम्बर 3, 1971/कार्तिक 12, 1893

No. 49] NEW DELHI, WEDNESDAY, NOVEMBER 3, 1971/KARTIKA 12, 1893

इस भाग में भिन्न पट्ट संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd November, 1971/Kartika 12, 1893 (Saka)

THE DELHI ROAD TRANSPORT LAWS (AMENDMENT)
ORDINANCE, 1971

No. 21 OF 1971

Promulgated by the President in the Twenty-second Year of the
Republic of India.

An Ordinance to provide for the establishment of a Road Transport Corporation for the Union territory of Delhi, and, for that purpose, further to amend the Road Transport Corporations Act, 1950, and the Delhi Municipal Corporation Act, 1957, and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Delhi Road Transport Laws (Amendment) Ordinance, 1971.

Short title
and com-
mence-
ment.

(2) It shall come into force at once.

Amend-
ment of
section 1.

2. In the Road Transport Corporations Act, 1950, in section 1,— 64 of 1950.

(i) in sub-section (2), the words "except the Union territory of Delhi" shall be omitted;

(ii) to sub-section (2), the following proviso shall be added, namely:—

"Provided that on and from the commencement of the Delhi Road Transport Laws (Amendment) Ordinance, 1971, this Act, as amended by the said Ordinance, shall extend to, and be in force in, the Union territory of Delhi."

tions.
Defini-

3. In this Ordinance, unless the context otherwise requires,—

(a) "Municipal Corporation of Delhi" means the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(b) "new Corporation" means the new Road Transport Corporation for the Union territory of Delhi established under section 3 of the Road Transport Corporations Act, 1950. 64 of 1950.

Vesting
of assets,
etc., in the
new Cor-
poration.

4. On the establishment, under the Road Transport Corporations Act, 1950, of a new Corporation, 64 of 1950.

(a) all properties, movable and immovable, and all interests of whatsoever nature and kind therein belonging to, or vested in, the Municipal Corporation of Delhi, for the purpose of the Delhi Transport Undertaking, immediately before such establishment, shall vest in the new Corporation;

(b) all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for, the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and subsisting immediately before such establishment, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the new Corporation;

(c) all licences and permits granted to the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and in force immediately before such establishment, shall be deemed to have been granted to the new Corporation and shall have effect accordingly;

(d) all suits, prosecutions and other legal proceedings instituted, or which might have been instituted, by, for or against, the Municipal Corporation of Delhi for the purpose of Delhi Transport Undertaking, may,—

(i) if such suit, prosecution or other legal proceeding was pending immediately before the establishment of the new Corporation, or

(ii) if the cause of action for such suit, prosecution or other legal proceeding arose before such establishment and the institution of such suit, prosecution or other legal proceeding was not barred before such establishment by any law for the time being in force,

be continued or, as the case may be, instituted, by, for or against, the new Corporation;

- 66 of 1957. (e) all bye-laws relating to transport services made by the Municipal Corporation of Delhi under sub-section (1) of section 481 of the Delhi Municipal Corporation Act, 1957, and in force immediately before such establishment shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue to be in force and be deemed to be regulations made by the new Corporation under section 45 of the Road Transport Corporations Act, 1950, unless and until they are superseded by regulations made under that section;
- 64 of 1950. (f) notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, every officer and other employee of the Municipal Corporation of Delhi appointed or deemed to be appointed for the purpose of the Delhi Transport Undertaking shall be transferred to, and become an officer or other employee of, the new Corporation with such designation as the new Corporation may determine and shall hold such office by the same tenure, on the same remuneration and on the same terms and conditions of service and with the same right to pension, gratuity and other matters as he would have held the same if the new Corporation had not been established and shall continue to do so unless and until such employment, tenure, remuneration and terms and conditions of service are duly altered or terminated by the new Corporation:

Provided that the tenure, remuneration and other terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the approval of the Central Government:

Provided further that any service rendered, in relation to road transport service, under the Municipal Corporation of Delhi, by any such officer or other employee before the establishment of the new Corporation shall be deemed to be service rendered under the new Corporation.

5. (1) Where the sum total of the value of the properties and interests referred to in clause (a) of section 4, vested in the new Corporation (hereinafter in this section referred to as "the assets") exceeds the sum total of the debts, obligations and liabilities which are deemed to have been incurred by the new Corporation under clause (b) of that section (hereinafter in this section referred to as "the liabilities"), such excess shall be paid by the new Corporation to the Municipal Corporation of Delhi on such terms and conditions as may be determined by the Central Government in this behalf.

Payment
of value
of assets
and liabi-
lities.

(2) Where the sum total of the liabilities exceeds the sum total of the value of the assets, such excess shall be paid by the Municipal Corporation of Delhi to the new Corporation on such terms and conditions as may be determined by the Central Government in this behalf.

(3) The sum total of the value of the assets and the sum total of the liabilities shall be such amounts as may be arrived at by agreement between the Municipal Corporation of Delhi and the new Corporation and where no such agreement can be reached, the amounts shall be

determined by an arbitral tribunal consisting of one nominee of the Municipal Corporation of Delhi, one nominee of the new Corporation and a Chairman, to be nominated by the Chief Justice of the High Court of Delhi.

(4) An appeal shall lie to the High Court of Delhi against the decision of the tribunal and the order of that High Court on such appeal shall be final.

⁷
Power of
the Cen-
tral Gov-
ernment
to exempt
vehicles
of the
new Cor-
poration
from pay-
ment of
certain
charges.

6. The Central Government may, by order, in writing, exempt all or any of the vehicles of the new Corporation from payment of any tolls or other charges leviable under any enactment for the time being in force, for the use of the roads within the Union territory of Delhi.

Amend-
ment of
Acts 64 of
1950, 66 of
1957 and 4
of 1939.

7. On and from the commencement of this Ordinance,—

(a) the Road Transport Corporations Act, 1950, shall, in its application to the Union territory of Delhi, be subject to the amendments specified in the First Schedule;

(b) the Delhi Municipal Corporation Act, 1957, shall, in relation to the road transport services in the Union territory of Delhi, be subject to the amendments specified in the Second Schedule;

(c) the Motor Vehicles Act, 1939, shall, in its application to the Union territory of Delhi, have effect subject to the provisions specified in the Third Schedule.

THE FIRST SCHEDULE

[See section 7(a)]

AMENDMENTS TO THE ROAD TRANSPORT CORPORATIONS ACT, 1950

Section 3.—For “State”, substitute “Union territory of Delhi”.

Section 5.—In sub-section (3), for “both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government”, substitute “of the State Government in the Corporation and of nomination by that Government”.

Section 8.—Omit the proviso.

Section 18.—For “State or part of the State”, substitute “Union territory of Delhi or part thereof”.

Section 19.—(i) In sub-section (1), in clause (a), for “State”, substitute “Union territory of Delhi”;

(ii) in sub-section (2), in clause (c),—

(a) for “State concerned”, substitute “Union territory of Delhi”; and

(b) for "that State", substitute "that Union territory".

After section 19, insert—

"19A. In the exercise of any of its powers under this Act, the Corporation shall not incur on any single work, service or scheme or for any other purpose a capital expenditure of more than twenty-five lakhs of rupees except with the previous approval of the Central Government.".

Section 21.—For "the Central Government in consultation with the State Government", substitute "that Government".

Section 23.—(a) For sub-section (1), substitute—

"(1) The State Government may provide to a Corporation established by that Government any capital that may be required by the Corporation for the purpose of carrying on its undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as that Government may determine.";

(b) in sub-section (3), omit "the Central Government" and "in consultation with the Central Government".

Section 26.—In sub-section (2), omit "and the Central Government".

Section 28.—In sub-sections (1) and (2), omit "in consultation with the Central Government".

Section 30.—Omit "and the Central Government".

Section 33.—In sub-section (4), for "the legislature of the State", substitute "each House of Parliament".

Section 35.—(a) In sub-section (2), for "Central and the State Governments", substitute "State Government";

(b) in sub-section (3), for "Legislature of the State", substitute "each House of Parliament".

Section 37.—In sub-section (3), for "Legislature of the State", substitute "each House of Parliament".

Section 38.—Omit "with the previous approval of the Central Government".

Section 39.—In sub-section (2), for "Central and the State Government", substitute "State Government".

Section 40.—(i) In clause (b), for "High Court exercising jurisdiction in relation to the State concerned", substitute "High Court of Delhi";

(ii) in clause (c)—

(a) for "lie to the High Court", substitute "lie to the High Court of Delhi";

(b) for "order of the High Court", substitute "order of that High Court".

Section 44.—In sub-section (2), in clause (a), for “the Central and the State Government”, substitute “the State Government”.

THE SECOND SCHEDULE

[See section 7(b)]

AMENDMENTS TO THE DELHI MUNICIPAL CORPORATION ACT, 1957

Section 2.—Omit clauses (13) and (20).

Section 9.—In sub-section (2), in sub-clause (iii) of clause (b), omit “or the Delhi Transport Committee”.

Section 36.—In sub-section (3), for clause (b), substitute “(b) from the General Manager (Electricity) on any matter connected with the administration of the Delhi Electric Supply Undertaking”.

Section 39.—In sub-section (1), omit “, the Delhi Transport Committee”.

Section 42.—Omit sub-clause (ii) of clause (d).

Section 44.—Omit clause (c).

Section 50.—(i) In the heading, omit “, the Delhi Transport Committee”; (ii) in sub-section (1), omit “, the Delhi Transport Committee”; (iii) in sub-section (2), omit clause (b).

Section 52.—Omit “, the Delhi Transport Committee”.

Section 53.—Omit “, the Delhi Transport Committee” and “, the Delhi Transport Undertaking”.

Section 59.—(i) In the opening paragraph, omit “or the Delhi Transport Undertaking”; (ii) in clause (d), omit “or the General Manager (Transport)”.

Section 60.—(i) In the heading, omit “and the General Manager (Transport)”; (ii) in sub-section (1), for “two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport)”, substitute “a suitable person as the General Manager (Electricity)”;

(iii) in sub-section (2), for “Each of the two General Managers”, substitute “The General Manager (Electricity)”;

(iv) in sub-section (3), for “any of the General Managers”, substitute “the General Manager (Electricity)”;

(v) in sub-section (4), for “Any of the General Managers”, substitute “The General Manager (Electricity)”.

Section 61.—For “Each of the General Managers”, substitute “The General Manager (Electricity)”.

- Section 62.—(i) In sub-section (1), omit clause (b);*
- (ii) in sub-section (2), for “any of the General Managers”, substitute “the General Manager (Electricity)”;*
- (iii) in sub-section (3), for “any of the General Managers”, substitute “the General Manager (Electricity)”.*

Section 63.—For “two General Managers”, substitute “General Manager (Electricity)”.

Section 64.—Omit sub-section (2).

Section 65.—In sub-section (1), omit “the Delhi Transport Committee”.

Section 66.—(i) In sub-section (1), for “the General Manager (Electricity) or the General Manager (Transport)”, substitute “or the General Manager (Electricity)”;

(ii) in sub-section (2), for “any of the General Managers”, substitute “the General Manager (Electricity)”.

Section 67.—(i) In sub-section (1), omit “the Delhi Transport Committee”;

(ii) in sub-section (2), omit “the Delhi Transport Committee”.

Section 68.—Omit “the Delhi Transport Committee”.

Section 69.—Omit “, the Delhi Transport Committee”.

Section 70.—(i) In sub-section (1),—

- (a) in clause (b), omit “, or the Delhi Transport Undertaking”;*
- (b) in clause (c), omit “or the Delhi Transport Undertaking”;*

(ii) in sub-section (3), omit “or the Delhi Transport Undertaking” and ‘, or as the case may be, the words and brackets “General Manager (Transport)”’.

Section 71.—In sub-clause (i) of clause (b), omit “or the Delhi Transport Committee”.

Section 81.—(i) In sub-section (1), omit “and the General Manager (Transport) or any municipal officer authorised by him in this behalf”;

(ii) in sub-section (8),—

- (a) omit “and the General Manager (Transport)”;*
- (b) for “respectively to the Delhi Electric Supply Undertaking and the Delhi Transport Undertaking”, substitute “to the Delhi Electric Supply Undertaking”.*

Section 83.—In sub-section (1), omit “, the Delhi Transport Committee”.

Section 90.—In sub-section (7), omit clause (ii).

Section 92.—In sub-section (7),—

- (i) in sub-clause (i) of clause (a), omit “, the Delhi Transport Committee” and “, the Delhi Transport Undertaking”;*

(ii) in sub-clause (b), omit ", the General Manager (Transport)".

Section 96.—Omit "or the General Manager (Transport)".

Section 99.—(i) In sub-section (1), in clause (h), omit ", the Delhi Transport Undertaking";

(ii) in sub-section (2), omit clause (b).

Section 100.—Omit sub-section (3).

Section 101.—In sub-section (1), in clause (b), omit sub-clause (iii).

Section 104.—Omit "or the General Manager (Transport)" and "or the Delhi Transport Committee".

Section 106.—(i) In sub-section (1), omit ", the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking";

(ii) in sub-section (3), omit "or the General Manager (Transport)".

Section 109.—In sub-section (1), omit clause (c).

Section 110.—(i) In sub-section (1), omit clause (c);

(ii) in sub-section (5), in clause (a), omit sub-clause (ii).

Section 112.—Omit "or the Delhi Transport Committee".

Section 115.—In sub-section (4), in clause (b), omit ", or the Delhi Transport Undertaking".

Section 204.—Omit clause (b).

Section 208.—(i) In sub-section (3), omit "the Delhi Transport Committee";

(ii) in sub-section (4), omit "the Delhi Transport Committee".

Omit Chapter XIV.—Sections 287 to 297 (both inclusive).

Section 431.—(1) In the opening paragraph, omit "or the General Manager (Transport)";

(ii) in clause (b), omit "or the General Manager (Transport)".

Section 432.—In sub-section (1), omit "or the General Manager (Transport)".

Section 433.—In sub-sections (1) and (2), omit "or the General Manager (Transport)".

Section 438.—Omit "or the General Manager (Transport)".

Section 440.—Omit "or the General Manager (Transport)".

Section 442.—In sub-section (1), omit "or the General Manager (Transport)".

Section 443.—For "the Commissioner, the General Manager (Electricity) or the General Manager (Transport)", substitute "the Commissioner or the General Manager (Electricity)".

Section 450.—Omit “and the General Manager (Transport)”, “respectively” and “and the Delhi Transport Committee”.

Section 462.—Omit “, the Delhi Transport Committee” and “the General Manager (Transport)”.

Section 467.—Omit “the General Manager (Transport)”.

Section 468.—In sub-section (1), omit “the General Manager (Transport)”.

Section 473.—In sub-section (1), omit “or the General Manager (Transport)”.

Section 476.—In sub-section (2), omit clause (b).

Section 481.—In sub-section (1), omit paragraph “D. Bye-laws relating to transport services”.

Section 487.—In sub-section (2), omit “or the Delhi Transport Undertaking”.

Section 499.—In sub-section (1), omit “, the General Manager (Transport)”.

Section 500.—Omit “the General Manager (Transport)”.

Section 504.—In sub-section (1), in clause (i), omit sub-clause (ii).

Section 509.—In sub-section (1), omit “or the General Manager (Transport)”.

The Second Schedule.—Omit item 12.

THE THIRD SCHEDULE

[See section 7(c)]

APPLICATION OF THE MOTOR VEHICLES ACT, 1939 IN RELATION TO THE UNION TERRITORY OF DELHI

The Central Government,—

(a) may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform, to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the Motor Vehicles Act, 1939, all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the new Corporation and the drivers and conductors of those vehicles as may be specified in the notification;

(b) may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the Motor Vehicles Act, 1939, by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that territory, and any order so passed shall be final;

(c) if it so directs by order in writing, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the Motor Vehicles Act, 1939, other than a private carrier's permit;

(d) may, by order in writing, exempt the motor vehicles of the new Corporation or the employees of its Undertaking from the provisions of the Motor Vehicles Act, 1939, or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.